

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT JACKSON,

Petitioner,

v.

GABRIELA NAJERA, *et al.*,

Respondents.

Case No. 2:20-cv-02100-KJD-DJA

ORDER

In this habeas corpus action, on June 13, 2022, the Court denied pro se Petitioner Robert Jackson's petition for writ of habeas corpus, and judgment was entered accordingly. See Order entered June 13, 2022 (ECF No. 29); Judgment (ECF No. 30). The Court denied Jackson a certificate of appealability. Ibid. Jackson appealed, and on May 12, 2023, the Ninth Circuit Court of Appeals denied Jackson's request in that court for a certificate of appealability. Order of Court of Appeals filed May 12, 2023 (ECF No. 36).

On June 1, 2023, Jackson filed a motion for appointment of counsel (ECF No. 38) and a motion under Federal Rule of Civil Procedure 60(b)(1) (ECF No. 39) seeking relief from this Court's order entered September 30, 2021 (ECF No. 23) dismissing certain claims from his petition. On June 14, 2023, the respondents filed an opposition to Jackson's motion for relief from the September 30, 2021, order (ECF No. 41).

On June 26, 2023, Jackson filed a document entitled Notice of Non-Service of Documents to Petitioner, and Motion for Enlargement of Time to Reply, and Motion for Oral Arguments (ECF Nos. 42, 43, 44).

In his June 26 filing, Jackson states that he has not been receiving service of documents filed in this action. That is likely because Jackson has been transferred from High Desert State Prison to Southern Desert Correctional Center but has not filed a notice of change of address reflecting his transfer. See LR IA 3-1. The Court will direct the Clerk of the Court to update the

1 docket for this case with respect to the prison where Jackson is incarcerated and will direct the
2 Clerk to send to Jackson filings he may not have received.

3 In his June 26 filing, Jackson also requests an extension of time to file a reply to
4 Respondents' opposition to his motion for relief from the September 30, 2021, order. Good cause
5 appearing, the Court will grant that motion and will extend the time for Jackson's reply.

6 In his June 26 filing, Jackson also requests oral argument, apparently with respect to his
7 motion for relief from the September 30, 2021, order. Jackson does not show oral argument to be
8 warranted, so this request will therefore be denied. If the Court subsequently determines that oral
9 argument is called for, the Court will set oral argument and notify the parties.

10 State prisoners applying for habeas corpus relief are not entitled to appointed counsel
11 unless the circumstances indicate that appointed counsel is necessary to prevent due process
12 violations. Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing Kreiling v. Field, 431
13 F.2d 638, 640 (9th Cir. 1970) (per curiam)). The court may, however, appoint counsel at any
14 stage of the proceedings if the interests of justice so require. See 18 U.S.C. § 3006A; see also
15 Rule 8(c), Rules Governing § 2254 Cases; Chaney, 801 F.2d at 1196. The Court determines that
16 appointment of counsel is unwarranted at this time in this case.

17 **IT IS THEREFORE HEREBY ORDERED** that Petitioner's Motion for Appointment
18 of Counsel (ECF No. 38) is **DENIED**.

19 **IT IS FURTHER ORDERED** that Petitioner's Motion to Extend Time (ECF No. 43) is
20 **GRANTED**. Petitioner will have until and including **August 11, 2023**, to file a reply to
21 Respondents' opposition to his motion for relief from the September 30, 2021, order.

22 **IT IS FURTHER ORDERED** that Petitioner's Motion for Oral Argument (ECF No. 44)
23 is **DENIED**.

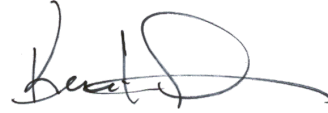
24 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to:

- 25 - administratively reopen this case;
- 26 - update the docket, pursuant to Federal Rule of Civil Procedure
- 27 25(d), to reflect that Gabriela Najera is substituted for Calvin
- 28 - update the docket to reflect that Petitioner is incarcerated

1 at Southern Desert Correctional Center (P.O. Box 208, Indian
2 Springs, Nevada 89070-0208); and

3 - transmit to Petitioner copies of the filings at ECF Nos. 36 and 41.

4 Dated this 6th day of July 2023.

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7 KENT J. DAWSON
UNITED STATES DISTRICT JUDGE